

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LUIS R. COTTO,)	
)	
Petitioner,)	Case No. 1:09-cv-168-SJM-SPB
)	
v.)	
)	
FRANKLIN J. TENNIS, <i>et al.</i>)	
)	
Respondents.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on July 8, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on December 6, 2010 [16], recommends that the instant petition for writ of habeas corpus be dismissed for Petitioner's failure to prosecute. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI-Rockview, where he is currently incarcerated, and on the Respondents. No objections to the Report and Recommendation have been filed.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27th Day of December, 2010;

IT IS ORDERED that the instant petition for writ of habeas corpus be, and hereby is, DISMISSED for Petitioner's failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter, filed on December 6, 2010 [16], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter